

Approx. Code Location (Wis. Admin. Code section)	Plain Language Description of Rule Change	Purpose of Proposed Rule Change
Chapter NR 700 - General Requirements		
Section NR 700.03 - Definitions		
NR 700.03(29) or NR 708.11	<p>Revise code to clarify that vapor mitigation systems (VMS) are interim actions when taken at any time during implementation of chs. NR 700-799, even when installed as part of a proposed building construction. When VMS are done as interim actions, the VMS air sampling becomes part of a site investigation completion.</p> <p>Either add to “interim action” definition or place within ch. NR 708.</p>	Ensure protection of human health. by verifying the effectiveness of VMS.
NR 700.03(5m) (new)	Create a definition for “commissioning”.	Clarify changes being proposed to chs. NR 708 and NR 724, which involve commissioning for VMS.
NR 700.03(1e)	Update definition of “agency with administrative authority” to be consistent with the statutory definition under Wis. Stat. s. 292.12(1)(a).	Make code consistent with statute.
NR 700.03 / NR 714.03(2)	<p>Add revised definition of “continuing obligations” to ch. NR 700 and remove the existing definition of this term from ch. NR 714.</p> <p>The current definition states that property owners are responsible for continuing obligations. Under Wis. Stat. s. 292.12(5) and (5m), persons other than property owners may be responsible for continuing obligations.</p>	Make code consistent with statute.
NR 700.03(17)	Update the note underneath the definition of “engineering control” to be consistent with the statutory definition of the term under Wis. Stat. s. 292.01(3m).	Make code consistent with statute.
NR 700.03	Consider defining “occupants”, “multiple units”, “frequent change in occupancy”, and/or other terms that may further clarify occupant notification requirements.	Clarify code requirements relating to notification of occupants and ensure potentially impacted people are notified.
NR 700.03(45e)	Repeal the definition of “property”, which is inconsistent with the definition under Wis. Stat. s. 292.15(1)(c).	Make code consistent with statute and avert any consequences of defining the term “property” to be limited to a single parcel.
Chapter NR 708 - Immediate And Interim Actions		
Section NR 708.05 - Immediate Actions		

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NR 708.05(3)(c)	<p>Under the subsection on non-emergency immediate actions, clarify that confirmation sampling is needed to confirm that contamination has been adequately removed by a non-emergency immediate action.</p> <p>This sampling helps determine whether an interim action is needed versus a “no further action” outcome (e.g., removing an underground storage tank, finding limited contamination, removing it, then collecting confirmation samples to show contamination is no longer present).</p>	<p>Ensure the DNR has adequate sampling data to confirm that contamination has been removed in “non-spill” related (non-emergency) immediate actions.</p>
NR 708.05(6)(c)	<p>Under the subsection on immediate action documentation, require inclusion of any sampling results that have been collected as part of the immediate action activities.</p>	<p>Ensure the DNR has adequate sampling data.</p>
Section NR 708.11 - Interim Actions		
NR 708.11(1)(a)	<p>Require a responsible party (RP) to evaluate the need for interim actions “prior to initiating a site investigation or during a site investigation” and allow the DNR to require consideration and implementation of interim actions at any point prior to case closure.</p>	<p>Ensure that RPs account for other impacted properties may require interim action ahead of the site investigation report; avoid unnecessary compliance delay/expense from having to implement interim actions at or near the time of a case closure request.</p>
NR 708.11(4)	<p>Clarify applicable fees under ch. NR 749 for review of the required ch. NR 724 reports for interim actions by the Department of Natural Resources (DNR). This review is required under code for certain listed interim actions.</p>	<p>Clarify applicable fees.</p>
NR 708.11(4)(b)	<p>Clarify that the requirement to submit ch. NR 724 reports applies to all VMS, other than a single-family residence radon-type sub-slab depressurization system, unless otherwise authorized by the DNR.</p>	<p>Clarify code language. Revision is needed to clarify what types of VMS necessitate submission of these plans prior to system installation and start up.</p>
Section NR 708.15 - Interim Action Reports		
NR 708.15(1) or (1m) (new)	<p>Require DNR review and approval of interim action reports for interim actions that do not require DNR preapproval under s. NR 708.11(4), e.g., a VMS installed in single family residence.</p>	<p>Ensure the rules reflect the DNR’s authority to attach continuing obligations for any interim action where continuing obligations are necessary, including interim actions where preapproval is not required.</p>

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NR 708.15(1) and (1m) (new)	<p>Require an interim action report to be submitted within 60 days of completion of the action, either as a stand-alone report or as part of a site investigation report or remediation action documentation report, if these are submitted within 60 days of completion of the interim action.</p> <p>Clarify that DNR may require that a separate interim action report be provided for each interim action for certain types of interim actions, including VMS and point of entry water treatment systems (POETs).</p> <p>Clarify that interim action reports for the interim actions listed under s. NR 708.11(4)(b), including VMS, must meet the requirements under s. NR 724.15 for documentation of construction and completion.</p>	<p>Clarifies timeframes in a way that is consistent with the reporting requirements for completion of a remedial action under ch. NR 724.</p>
NR 708.15(1) and (1m) (new)	<p>Clarify that RPs must submit construction documentation reports for certain interim actions, including POETs and all VMS (including single family radon type sub-slab VMS) to DNR for review and approval, with associated ch. NR 749 fees, and must include VMS commissioning results and evaluation of commissioning results, in accordance with requirements in s. NR 724.15.</p> <p>Clarify that DNR may also require this documentation and associated review fees for other interim actions if a continuing obligation will be assigned, whether the interim action report is submitted as a stand-alone document or as part of another report, such as a site investigation or remedial action documentation report.</p>	<p>Clarify construction documentation, DNR review, and fee requirements for certain interim actions that need the operation of mitigation or treatment systems or other ongoing actions or oversight for the protection of human health and the environment.</p>
NR 708.15(1) or (1m)	<p>Clarify that, in cases where DNR approval is required for the reports or plans submitted under ch. NR 708, the DNR may request additional information, require revisions, approve, conditionally approve, or disapprove of the plans or reports.</p> <p>Clarify that the DNR must provide RPs with the reasons for any disapproval in writing, and that the DNR may establish a deadline for providing revisions.</p>	<p>Clarify DNR approvals for interim actions and maintain consistency with ch. NR 724.</p>
NR 708.15(3)	<p>In the subsection that lists required interim action report contents, require RPs to include any sampling results that have been collected as part of the interim action activities.</p>	<p>Ensure the DNR has adequate sampling data.</p>

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NR 708.15(3)(j) (new)	Require the inclusion of commissioning results and evaluation for VMS interim action reports.	Ensure that the DNR has sufficient information to verify that a VMS system is protecting human health.
NR 708.15(3)(k)	In the subsection listing interim action plan requirements, add “monitoring” to the operation and maintenance plan language and POETs to the list of response actions requiring, as part of an interim action report, an operation, maintenance and monitoring plan.	Consistency with industry standards and language contained within ch. NR 724, which includes “monitoring”.  Ensure that DNR receives adequate information on POETs.
NR 708.15(4) (new)	Clarify that a RP must submit certain documentation if conducting an interim action that requires a continuing obligation. Documentation requirements would be listed in another section and referenced.	Provide clear direction for when interim action continuing obligation documentation requirements are due.
NR 708.15(5) (new)	Clarify that a technical assistance fee shall be paid when DNR review is requested for an interim action report.	Clarify when fees must be submitted.
<b>Section NR 708.16 – [New Section on Interim Action Continuing Obligations]</b>		
NR 708.16 (new)	<p>Provide process and requirements for the interim action continuing obligations, including clarification of the following:</p> <ul style="list-style-type: none"> <li>• Database documentation/information, submittal, and fee requirements,</li> <li>• Continuing obligations applicable to each interim action taken,</li> <li>• Requirements in ch. NR 725 for notification to affected parties and documentation that NR 725 notification requirements have been met,</li> <li>• DNR responses to interim action plans and reports submitted for continuing obligations as well as application of continuing obligations in a similar manner to ch. NR 726 language,</li> <li>• A reference to ch. NR 725 for modification of continuing obligations applied at interim action, and</li> <li>• A reference to ch. NR 727 procedures and requirements for continuing obligations and ensure consistency between chapters.</li> </ul>	Clarify process and requirements for interim action continuing obligations and provide consistency and clarity between code chapters.

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NR 708.16 (new)	Clarify that an approval letter imposing continuing obligations shall require a property owner to notify affected occupants that they are not allowed to interfere with continuing obligations.	Make code consistent with statute, implement statute, ensure sufficient procedural direction for continuing obligations (Wis. Stat. s. 292.12(5)(d) and (5m)(ar)).
NR 708.16 (new)	Include provisions to clarify procedures and requirements for any third-party agreements regarding continuing obligations (or reference to other portion of code to accomplish the same goal).	Ensure consistency in code chapters and between code and statute, ensure implementation of statute (Wis. Stat. s. 292.12(5)(c) and (5m)(am)).
Section NR 708.17 - Local Governmental Unit or Economic Development Corporation Exemptions		
NR 708.17(2)(d)	Revise code provision relating to continuing obligations and the responsibilities of local governments seeking an exemption under Wis. Stat. s. 292.11(9)(e) to be consistent with statute by clarifying which persons may be responsible for continuing obligations.	Section references a “property owner” as the entity responsible for continuing obligations. Under Wis. Stat. s. 292.12(5) and (5m), persons other than property owners may be responsible for continuing obligations.
Chapter NR 714 - Public Participation And Notification		
Section NR 714.05 - Responsibilities of the department		
NR 714.05(1)	Clarify that legally enforceable agreements entered into under s. 292.12(5) or (5m) must be included in the BRRTS database. Add a note that provides contents of statutory provision.	Make code consistent with statute.
NR 714.07 and/or NR 725.05	Notifications within this section must be completed within a specified timeframe with a copy provided to the DNR. The DNR may require additional steps to ensure adequate notification occurs.	Ensure that a property owner and the DNR is informed of site activities.
NR 714.07 and/or NR 725.05	Require an RP that is conducting cleanup to provide technical reports including work plans commissioned by the RP to the landowner in situations where the RP conducting cleanup is not the landowner.	Ensure that a property owner is informed of site activities.
NR 714.07 and/or NR 725.05	Require an RP that is conducting cleanup to provide a plain language summary of site activities to the landowner in situations where the RP conducting cleanup is not the landowner.	Ensure that a property owner is informed of site activities.

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NR 714.07 and/or NR 725.05	Require an RP that is conducting cleanup to provide the affected landowner a reasonable opportunity to provide input on site activities in situations where the RP conducting cleanup is not the landowner.	Provide a property owner an opportunity to participate in making decisions about remedy at the property they own.
NR 714.07 and/or NR 725.05	Require an RP to inform adjacent neighbors when a site with potential wider impacts is discovered.	Ensure that neighbors are informed of site activities when the investigation begins to move off-site.
NR 714.07 or NR 725.05(1)	Require RP to provide parents in school/daycare settings with a plain language summary of contamination affecting the property and whether it can impact users of the building/property.	Parents of students and children in school or daycare are notified of contamination.
Chapter NR 722 - Standards for selecting remedial actions		
Section NR 722.17 - Department database requirements for remedial actions approved with a continuing obligation		
NR 722.17(1) and (3)	Clarify the database information and fees required for remedial actions with a continuing obligation. Ensure consistency with changes made in other chapters. Under Wis. Stat. s. 292.12(3), the DNR must include on the database any continuing obligations imposed upon approval of a remedial action.	Make code consistent with statute and other code chapters.
NR 722.17(5)	Clarify when and how agreements regarding continuing obligations are submitted. Under Wis. Stat. s. 292.12(5) and (5m), the DNR may recognize third party agreements transferring responsibility for continuing obligations if they are submitted to the DNR and recorded on the DNR database.	Clarify process.
Chapter NR 724 - Remedial and interim action design, implementation, operation, maintenance and monitoring req.		
Section NR 724.05 - General submittal requirements		
NR 724.05	Remove paper copy requirement for interim and remedial action plans and reports required under ch. NR 724 and clarify the DNR's preference for electronic format. Add note about submittal portal.	Reduce unnecessary costs to regulated persons.
Section NR 724.06 - [New section on remedial action continuing obligations]		

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NR 724.06 (new)	<p>Implement continuing obligations imposed at remedial action stage, also, check for consistency and cross-reference with s. NR 722.17.</p> <p>Reference to or include provisions that clarify the process and criteria for imposing COs.</p> <p>Provide process and requirements for remedial action continuing obligations, including clarification of the following:</p> <ul style="list-style-type: none"> <li>• The database documentation/information, submittal, and fee requirements,</li> <li>• Continuing obligations applicable to each remedial action taken,</li> <li>• Requirements in ch. NR 725 for notification to affected parties and documentation that NR 725 notification requirements have been met,</li> <li>• Reference to ch. NR 725 for modification of continuing obligations applied at interim action.</li> <li>• Reference to ch. NR 727 procedures and requirements for continuing obligations and ensure consistency between chapters.</li> </ul>	<p>Implement statute and make code consistent with statute (Wis. Stat. 292.12), ensure sufficient procedural direction for continuing obligations. Clarify when fees must be submitted.</p>
NR 724.06 (new) or NR 724.07	<p>Clarify that an approval letter imposing continuing obligations shall require a property owner to notify affected occupants that they are not allowed to interfere with continuing obligations.</p>	<p>Implement statute and make code consistent with statute (Wis. Stat. 292.12), ensure sufficient procedural direction for continuing obligations.</p>
Section NR 724.07 - Department response		
NR 724.07	<p>Clarify the DNR’s response to the submittal of s. NR 724.15 construction documentation (i.e., clarify that approval may be granted at the time of VMS commissioning documentation).</p>	<p>Clarify regulatory expectations and response. Ensure that the DNR has adequate information to ensure protection of human health.</p>

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Section NR 724.09 – Design report		
NR 724.09(12) (new)	Require RPs to include continuing obligation information, including monitoring and inspection, in a design report.	Require information earlier in process to avoid unnecessary delays later in process.
Section NR 724.11 – Design plans and specifications		
NR 724.11(7)	Clarify the required testing to be done to demonstrate the effectiveness of a VMS (i.e., commissioning) as part of design plan requirements.	Ensure that commissioning for VMS is understood to be part of design plans and specifications that are submitted to the DNR. Ensure that DNR has sufficient information to verify that a VMS system is protecting human health.
NR 724.11(7)	Require RPs to submit the VMS commissioning plan and report to the DNR.	Ensure that systems that are installed operate properly from the start.
NR 724.11(7)	Require operations, monitoring, and maintenance for all continuing obligations prior to or at closure. Require maintenance logs to be submitted to the DNR. Require plan for disposal of materials (e.g., carbon filters), repairs, etc.	Ensure that systems that are installed operate properly from the start.
Section NR 724.13 - Operation and maintenance		
NR 724.13 and NR 724.13(2)	Change name of this section and subsection to “Operation, Monitoring and Maintenance” (i.e., insert the term “monitoring” into title) to be consistent with contents of section.	Consistency within code and with industry standards and practices.
NR 724.13(2)	As part of the operations and maintenance plan, require RPs to include details of continuing obligations imposed on site. Include any communication requirements specific to operations, monitoring, and maintenance relating to potential/future owners and/or occupants for sites and off-sites and require RPs to submit this information.	Ensure that DNR has sufficient information in the operation and maintenance plan to ensure protectiveness of continuing obligations and communication to occupants and landowners.
NR 724.13(2)(g) Note	Revise the note to be consistent with the statutory definition of “engineering control” under Wis. Stat. s. 292.01(3m).	Make code consistent with statute.



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NR 724.13(2)(k) and (m)	<p>Revise the list of operation and maintenance plan requirements to provide updated requirements for VMS and clarify that these requirements are additional to the other listed operation and maintenance plan requirements. Include the following changes:</p> <ul style="list-style-type: none"> <li>• Replace monthly manometer checks (under s. NR 724.13(2)(m)) with active alarm requirement for active systems. An active alarm could include audible, visual or telemetry-based method for notification, as applicable for the monitoring frequency required for the system.</li> <li>• Describe how and when occupants, property owners, and the DNR would be notified when monitoring indicates VMS is not operating as intended/designed and identify how soon corrective measures need to be taken, and what additional testing would be conducted to re-verify system effectiveness.</li> <li>• Identify when and how backup power will be instituted at sites with residential occupancy where an acute vapor risk was documented prior to mitigation.</li> </ul>	<p>Ensure that DNR has sufficient information to verify that a VMS system is protecting human health. Having this level of detail in code helps both consultants and DNR staff understand requirements and will allow clarity in issuance of continuing obligations.</p>
NR 724.13(2) or new subsection	<p>Require continuous monitoring/real time notifications of failures for VMS continuing obligations.</p>	<p>Ensure that VMS continuing obligations that are imposed continue to protect public health and the environment.</p>
NR 724.13(2) or new subsection	<p>Require testing and maintenance schedule for POETS as part of POETS continuing obligations.</p>	<p>Ensure that POET continuing obligations that are imposed continue to protect public health and the environment.</p>
NR 724.13(2) or new subsection	<p>Require RPs to have a contingency plan for system failures that includes actions to mitigate failures/underperformance and notifications to parties who may be impacted by such a failure.</p> <p>Require backup power as part of POETs continuing obligations.</p>	<p>Ensure that POET continuing obligations that are imposed continue to protect public health and the environment.</p>
Section NR 724.15 – Documentation of construction and completion		
NR 724.15(2)	<p>Require the inclusion of commissioning results for VMS in the documentation of construction and completion that is submitted to DNR.</p>	<p>Ensure that DNR has sufficient information to verify that a VMS system is protecting human health.</p>

Approx. Code Location (Wis. Admin. Code section)	Plain Language Description of Rule Change	Purpose of Proposed Rule Change
NR 724.15(4) (new)	Clarify expectations if decommissioning an engineered system (specifically a VMS or POETs). Include details and expectations for a system that is installed as interim action is no longer needed following remedial action and may be decommissioned. Provide reference to the applicable sections of ch. NR 727 regarding updating a continuing obligation.	Clarifies the process for modification to the continuing obligations imposed for interim action if decommissioning the system after final remedial action and/or closure.
Chapter NR 725 - Notification Requirements For Residual Contamination And Continuing Obligations		
Section NR 725.05 - Situations where notification is required		
NR 725.05	Revise code sections as needed to ensure consistent approaches for providing notifications of sampling results in ss. NR 725.05 and NR 716.14.	Ensure occupants are notified of sampling results consistently.
NR 725.05(1)	Clarify that notification to all occupants is required by eliminating ambiguous phrases (i.e., change “occupants, as appropriate” and “occupants, as applicable” to “occupants, if any”).	Ensure that occupants are notified of sampling results consistently.
NR 725.02(1)	Clarify that ch. NR 725 may also apply to interim action continuing obligations.	Make code consistent with statute and ensure sufficient procedural direction for interim action continuing obligations.
NR 725.05(2)(bm) (new par.)	Clarify that an RP may be required to notify affected owners and occupants of the presence of continuing obligations on property.	Make consistent with statute and ensure sufficient procedural direction for interim action continuing obligations.
NR 725.05(2)(L) Note	Revise note to add that the DNR may require notification for site-specific reasons upon review of an interim action plan.	Make code consistent with statute and ensure sufficient procedural direction for interim action continuing obligations.
NR 725.05, NR 725.07, or new section	Require an RP to educate affected owners/occupants regarding the purpose of continuing obligations, how they work, and the need for any continued operation, maintenance, and monitoring.	When a continuing obligation is placed on an off-site property, the owners and occupants of that property understand what the system/continuing obligation is and why it should remain in place and continue to operate.

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NR 725.05, NR 725.07, or new section	Add requirement for the RP and/or owner/occupants to provide immediate notification to the DNR and owner/occupants when a system fails, and to notify local health officials if immediate or acute human health risks may be present because of failure.	The DNR, property owners, and occupants are notified in a timely manner of system status, including when the system fails, so that appropriate actions to protect to human health may be taken in a timely manner.
Chapter NR 726 - Case Closure		
Section NR 726.03 - Definitions		
NR 726.05(3)(b)	Remove language that refers to Department of Safety & Professional Services fees, pursuant to the note to this section, which states that the language no longer applies following statutory changes (2013 Wis. Act 20).	Make code consistent with statute.
Section NR 726.07 - Department database requirements		
NR 726.07(2) Note	Update a note to clarify that a general liability clarification letter may be used to impose continuing obligations on a local government unit for interim action continuing obligations (in addition to remedial action and closure continuing obligations).	Clarify process for interim action continuing obligations.
Section NR 726.09 - Closure documentation requirements		
NR 726.09(1)	Clarify that paper copies are not required for all submittals as part of closure documentation requirements.	Promote efficiency and reduce compliance costs.
Section NR 726.11 - Department database documentation requirements		
NR 726.11(1) Note	Update note to clarify submittal format requirements (electronic versus hard copy)	Promote efficiency and reduce compliance costs.
NR 726.11(3m) (new)	Clarify that legally enforceable agreements for continuing obligations must be submitted to DNR and recorded on the database to be recognized by DNR.	Make code consistent with statute under Wis. Stat. s. 292.12(5) and (5m) and ensure sufficient procedural direction.
Section NR 726.13 - Authority and approvals for case closure.		
NR 726.13	Clarify that the DNR will not grant closure approval for sites with VMS and POETs continuing obligations.	Ensure protection of human health.

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Section NR 726.15 - Closure letters and continuing obligations		
NR 726.15	Add process for updating continuing obligations at and before closure to incorporate and update continuing obligations imposed prior to closure. Retitle section.	Identify notification needs, documentation needs, and responsibilities
NR 726.15(1)	Revise or remove the subsection within ch. NR 726 that provide required language for continuing obligation closure letters. New provisions applicable to all types of continuing obligation approval letters will be added in ch. NR 727.	Simplify code, avoid repetition.
NR 726.15(1)(b)	Clarify that a closure letter shall require a property owner to notify affected occupants that they are not allowed to interfere with continuing obligations.	Make code consistent with statute, implement statute, ensure sufficient procedural direction for continuing obligations.
Chapter NR 727 - Continuing Obligations Requirements And Reopening Closed Cases		
Section NR 727.01 - Purpose		
NR 727.01(1)	Clarify that the purpose of ch. NR 727 includes clarifying requirements for interim action continuing obligations.	Make code consistent with statute and ensure sufficient procedural direction.
Section NR 727.02 - Applicability		
NR 727.02(2)	Clarify that ch. NR 727 applies to interim actions. Clarify that ch. NR 727 may also apply to certain solid waste (Wis. Stat. ch. 289) and hazardous waste sites (Wis. Stat. ch. 291) in addition to Wis. Stat. ch. 292 sites. The current language states that the code chapter applies only to Wis. Stat ch. 292 sites.	Make code consistent with statute. Clarify the DNR’s authority regarding continuing obligations using language consistent with the statutory definition of “agency with administrative authority” (Wis. Stat. s. 292.12(1)(a)).
Section NR 727.05 - Continuing obligation responsibilities		

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NR 727.05	<p>Clarify the applicability of continuing obligation responsibilities to persons assuming responsibility for continuing obligations through a legal agreement.</p> <p>Ensure that this section is consistent with statutory layout for continuing obligation responsibilities.</p> <p>Include statutory requirement of noninterference for owners and occupants.</p>	Make code consistent with statute (Wis. Stat. s. 292.12).
NR 727.05(1)(a) Note	Delete or revise the note that states that the DNR cannot recognize private agreements concerning continuing obligations.	Make code consistent with statute (Wis. Stat. s. 292.12(5)(c) and (5m)(am)).
NR 727.05(2) and (3)	Revise provisions regarding notification to future property owners to include interim action continuing obligations.	Make code consistent with statute (Wis. Stat. s. 292.12(2)).
NR 727.05	Clarify in code that the RP remains responsible for maintaining continuing obligations at both source properties and off-site properties unless a private agreement between parties is developed and submitted to DNR.	Ensure the protection of human health and the environment.
NR 727.05	Enable an RP to obtain permission to access off-site properties with reasonable effort, such that the RP can access that property to properly inspect, maintain and monitor it.	Ensure the protection of human health and the environment.
Section NR 727.05 – [New section on continuing obligations requirements, procedures, and agreements]		
NR 727.06 (new)	Clarify that the DNR may impose conditions (continuing obligations) necessary to protect public health, safety, or welfare or the environment.	Make code consistent with statute (Wis. Stat. s. 292.12(2)).
NR 727.06 (new)	Clarify that DNR may require site-specific continuing obligations to protect human health, safety, or welfare or the environment and may require notification of any parties affected.	Clarify process and regulatory expectations for continuing obligations imposed ahead of closure.
NR 727.06 (new)	<p>Clarify process for updating continuing obligations imposed ahead of closure (and add a reference to NR 726.15).</p> <p>Clarify the applicability of continuing obligation requirements in other rule chapters and provide references for requirements under NR 727 and other rule chapters, including:</p> <ul style="list-style-type: none"> <li>• Ch. NR 724 operations and maintenance</li> <li>• Ch. NR 724 decommissioning</li> </ul>	Ensure consistency between code chapters, provide general clarity.

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NR 727.06 (new)	<p>Add a section to provide further detail on continuing obligations agreements.</p> <p>If a third-party agreement transfers responsibility to a party other than the RP of source property, require minimum provisions for property ownership changes, timelines, compensation, operation, maintenance and monitoring requirements, changes to responsibilities due to off-site owner property changes, and various corporate transfers (e.g., assets but not liabilities).</p> <p>Clarify that the DNR can recognize an agreement regarding continuing obligations if a person is complying with that agreement, otherwise the original party will be held responsible.</p>	<p>Provide clear direction in code for third-party agreements that transfer responsibility for continuing obligations to ensure that agreements fully and effectively capture continuing obligation responsibilities.</p>
NR 727.06 (new)	<p>If the owner/occupant have a private agreement in which the owner/occupant maintains the continuing obligation, the RP must provide, as part of the agreement, a maintenance plan for the site, with plain-language supplemental materials and warnings not to turn off system.</p>	<p>When a continuing obligation is placed on an off-site property, the owner/occupant of that property understand how the continuing obligation operates.</p>
Section NR 727.07 - Notification of the agency with administrative authority regarding continuing obligations		
NR 727.07	<p>Clarify that agency notification requirements apply for interim action continuing obligations (i.e., add interim action continuing obligations to the list of continuing obligations that this statement applies to).</p>	<p>Make code consistent with statute.</p>
Section NR 727.08 - [New section on continuing obligation notifications]		
NR 727.08 (new)	<p>Specify when notification requirements must be met and provide cross-references between chs. NR 727 and NR 725 to clarify that ch. NR 725 contains the list of required notifications for continuing obligations.</p> <p>Clarify that, if written notification is required under ch. NR 725, the notification requirements shall be satisfied prior to submitting a plan or report to the agency (similar to what is currently stated under s. NR 726.03(2)).</p> <p>Clarify that persons requesting approvals shall submit a copy of all the notifications required under ch. NR 725.</p>	<p>Clarify process and regulatory expectations for interim action continuing obligations.</p>

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NR 727.08 (new)	Clarify that the DNR shall provide written notification when imposing continuing obligations to the owners of any properties required to receive notification under ch. NR 725.	Clarify process and regulatory expectations for continuing obligations imposed ahead of closure.
Section NR 727.09 - Updating the department database or continuing obligations		
NR 727.09 (1)	Add a reference to interim action continuing obligations to the list of references to other types of continuing obligations to clarify that DNR may require further actions at sites with interim action continuing obligations at sites where compliance with continuing obligations has not been maintained.	Make code consistent with statute.
NR 727.09 (2) to (6)	Review and modify provisions relating to updating deed restrictions for administrative efficiency and consistency with statutory authority to impose continuing obligations.	Reduce costs and administrative burden, make code consistent with statute.
Section NR 727.10 – [New section on closure continuing obligations]		
NR 727.10 (new)	Indicate which conditions trigger the imposition of continuing obligations prior to closure.	Clarify process and regulatory expectations for interim action continuing obligations.
NR 727.10 (new)	Provide direction for vapor intrusion continuing obligations at closure by specifying criteria for imposition of continuing obligations.	Clarify process and regulatory expectations for interim action continuing obligations.
Section NR 727.11 - Fees		
NR 727.11	Clarify that a database recording fee shall be paid for database actions involving continuing obligations.	Clarify when fees must be submitted.
Section NR 727.12 - [New section on database documentation requirements for continuing obligations]		
NR 727.12 (new)	Clarify that continuing obligations are required to be entered into the database (BRRTS) under Wis. Stat. s. 292.12(3).	Make code consistent with statute and consistent between code chapters.
NR 727.12 (new)	Clarify that paper copies are not required for all submittals.	Promote efficiency and reduce compliance costs.

Approx. Code Location (Wis. Admin. Code section)	Plain Language Description of Rule Change	Purpose of Proposed Rule Change
NR 727.12 (new)	<p>Clarify which information and documentation must be submitted for continuing obligations, including:</p> <ul style="list-style-type: none"> <li>• Documentation showing that a ch. NR 716 site investigation has confirmed contamination is present or, a description of the interim and remedial actions planned or taken at the site or facility, including information on nature and extent of areas where contaminated media exceeds applicable standards.</li> <li>• Applicable maps and cross sections to document the conditions at the site and the actions taken.</li> <li>• For sites or facilities where soil excavation or active soil remediation is planned or has occurred:                             <ul style="list-style-type: none"> <li>○ A table of soil analytical results with collection dates identified.</li> <li>○ A map that shows the locations of all soil samples collected.</li> </ul> </li> <li>• For sites or facilities with sediment contamination or soil vapor contamination, sampling data demonstrating that the remedial action selected in accordance with ch. NR 722 has restored the environment to the extent practicable and minimized the harmful effects of the hazardous substances on the air, lands, and waters of the state.</li> <li>• Any other information that the DNR specifically requests.</li> </ul> <p>Provide a note that states that if a soil performance standard cover is the only action taken, that action is not considered active soil remediation.</p>	Clarify process and regulatory expectations for continuing obligations.
NR 727.12 (new)	Clarify that maintenance plans must be submitted for continuing obligations imposed at times other than closure and clarify the required contents of the maintenance plan.	Clarify process and regulatory expectations for interim action and remedial action continuing obligations.
NR 727.12 (new)	Clarify the continuing obligation database documentation requirements regarding photographs, deed and parcel information, maps, legal descriptions, and other property information	Clarify process and regulatory expectations for continuing obligations imposed ahead of closure.



Approx. Code Location (Wis. Admin. Code section)	Plain Language Description of Rule Change	Purpose of Proposed Rule Change
NR 727.12 (new)	Clarify the continuing obligation database documentation requirements regarding maps and cross sections, summary data tables, and documentation for monitoring wells. Consider a flexible approach that allows the amount of information required to depend on site complexity and risk.	Clarify process and regulatory expectations for continuing obligations imposed ahead of closure.
Section NR 727.15 - [New section on continuing obligation language for approval letters]		
NR 727.15 (new)	Clarify the language that is required in letters of approval for imposing continuing obligations.	Clarify process and regulatory expectations for continuing obligations imposed ahead of closure.
Section NR 727.17 - [New section on continuing obligation audits, inspections, and noncompliance]		
NR 727.17 (new)	<p>Clarify process for audits of continuing obligation maintenance.</p> <p>Identify the frequency with which RPs must inspect continuing obligations. Require submission of inspection reports to the DNR and outline required contents, including photos, a report, an inspection log, items from site-specific operations, monitoring, and maintenance plan.</p> <p>Clarify potential DNR enforcement actions for noncompliance. Clarify the fines for non-compliance.</p>	Ensure that continuing obligations continue to protect public health and the environment.